

Exhibit 8

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April 27, 2020

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HASSAN CHUNN; NEHEMIAH McBRIDE; AYMAN RABADI,
by his Next Friend MIGDALIZ QUINONES; JUSTIN
RODRIGUEZ, by his Next Friend JACKLYN ROMANOFF;
ELODIA LOPEZ; and JAMES HAIR, individually and on
behalf of all others similarly situated,

Petitioners(s),

Civil Action No.
20 Civ 1590

-against-

WARDEN DEREK EDGE,

Respondent(s).

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April 27, 2020
9:38 a.m.

VIDEOTAPED and VIDEO CONFERENCED
EXAMINATION BEFORE TRIAL of Witness for
Respondent MILINDA KING, pursuant to Notice,
before Laura B. Lowenthal, a Notary Public within
and for the State of New York.

1 M. King

2 made.

3 Q So they're constantly being updated
4 this institution supplement?

5 A Yes, according to policy.

6 MS. KATOVICH: We call for production
7 of this Institution Supplement.

8 MR. CHO: Anything you would request
9 put in writing to us so we have a
10 record of it. Thank you.

11 MS. KATOVICH: Sure.

12 Q Currently which hygiene supplies are
13 being provided to inmates at the MDC?

14 A Hygiene supplies that are being
15 provided to inmates at MDC at this time they do
16 receive deodorant soap from the Trust Fund
17 department.

18 As far as commissary the inmates are
19 also afforded the opportunity to buy their own
20 personal hygiene items.

21 But as far as what Trust Fund gives
22 them for free would be deodorant soap, towels and
23 that is pretty much it from the Trust Fund
24 department that they give them biweekly.

25 Q By biweekly do you mean twice per week

1 M. King
2 unit team will pick up soap every two weeks and
3 have it available upon request for the inmates in
4 that unit?

5 A Correct.

6 Q So if an inmate does not request soap
7 they will not be given soap automatically;
8 correct?

9 A Correct.

10 Q How does an inmate request soap from
11 the unit team?

12 A The unit team makes rounds through the
13 unit on a daily basis. At that time inmates can
14 request soap from the unit team or they can
15 notify the unit officer to notify the unit team
16 that they need soap.

17 Q What is the difference between a unit
18 officer and a member of the unit team?

19 A A unit officer is there pretty much to
20 provide security.

21 You have unit team who are there to
22 assist the inmates on cases and different
23 sanitation issues.

24 The unit counselor oversees the
25 sanitation and the housing unit and he also

1 M. King
2 provides them with the hygiene products, the soap
3 that you are talking about.

4 Q You said that is a unit counselor?

5 A Yes.

6 Q How do inmates request soap of the
7 unit officer; is this verbally or did they do it
8 in writing?

9 A Verbally.

10 Q Is there any record kept of these
11 verbal requests?

12 A No.

13 Q So you said that the unit team
14 restocks the supply of soap in the unit every two
15 weeks; correct?

16 A Correct.

17 Q Is that schedule different than what
18 would ordinarily occur at the MDC?

19 A No.

20 Q So that is just business as usual
21 every two weeks the unit team brings a new stock
22 of soap onto the unit?

23 A Yes, correct.

24 There are two different types of soap
25 that the inmates receive. They also receive like

1 M. King

2 Q So when you were talking about the
3 liquid hand soap that is available and put
4 throughout in the restrooms that is not being
5 distributed into the restroom in inmates cells;
6 correct?

7 A Correct. That would be a restroom
8 like food service where they work on their site
9 and they can go use the restroom there but not in
10 their cells.

11 Q Where do staff have access to sinks
12 with warm water and soap?

13 A In their restrooms, in the staff
14 restroom.

15 Q Are those restrooms in each unit or on
16 each floor?

17 A They're throughout the institution.
18 They have them on the units. They have them in
19 other locations as well.

20 Q Does the MDC currently have hand
21 sanitizer on site?

22 A You do have hand sanitizer. We have
23 hand sanitizer throughout the institution.

24 As far as hand sanitizer with alcohol
25 medical has hand sanitizer with alcohol on hand.

1 M. King

2 minimum of maybe four.

3 Q Has this number increased or decreased
4 since COVID-19 started?

5 A There may have been an increase
6 because right now it is our expectation for them
7 to clean daily but that would be the unit
8 counselors if they see a need to increase their
9 need for cleaning they will make that decision.

10 Q Ordinarily how often do orderlies
11 clean common areas?

12 A Ordinarily they clean on a daily
13 basis. That is their job is to clean the common
14 areas after meals, in between group visit or what
15 ever but now it's their responsibility to wipe
16 down with the cleaning agent which is the hdqC2
17 in order to combat this COVID-19.

18 Q So they're not cleaning any more
19 frequently now than ordinary; correct?

20 A Yes, they are cleaning more frequently
21 now.

22 Q But you said before that they were
23 cleaning every day and now they still are
24 cleaning every day?

25 A They were cleaning every day but it

1 M. King
2 was like after meals they may wipe down and maybe
3 in between group where they play cards where they
4 wipe down the tables. Now they're wiping down
5 throughout the day. They're let out to wipe down
6 throughout the day.

7 Q How often are they let out to clean?

8 A Every day.

9 Q One time per day?

10 A I would say every day.

11 Q How many times per day are they let
12 out of their cell to clean?

13 A When the unit orderlies come out
14 they're out for the day until count time.

15 Q So they're just out all day cleaning?

16 A Pretty much cleaning, yes. And
17 assisting with food.

18 Q Is there any schedule set in place for
19 how often they are supposed to wipe down high
20 touch surfaces?

21 A There is nothing in place. However, in
22 the beginning of this pandemic I make rounds and
23 I talk to all of the inmates throughout the
24 institution every 17, 48, 12, what ever we have,
25 and I count house them and that is the

1 M. King
2 expectation. They know that they're expected to
3 make sure they're cleaning their cells, make sure
4 they are cleaning the common area regularly after
5 they use the phone, after they use the computer,
6 anything that they're touching in the unit. That
7 is the expectation that I give them when ever I
8 talk to them.

9 Also, that is the counselor's
10 expectation and he makes sure that is what they
11 are doing and it is his responsibility to make
12 sure that the orderlies are out cleaning daily.

13 Q How often are computers disinfected?

14 A After each use.

15 Q After each use.

16 Who is responsible for cleaning them
17 after each use?

18 A The orderlies can be responsible for
19 cleaning but however during this pandemic what we
20 have done is we put spray bottles by the
21 computers where they use the computers, we put
22 them by the phones, so after they use the
23 computer the expectation is for them to clean
24 behind themselves. However, if they miss that the
25 next person who goes to use the computer should

1 M. King

2 to wear an N-95?

3 A They should. They are provided N-95
4 mask. However, per CDC guidelines it is not a
5 requirement. Surgical mask could be used in
6 place of N-95 but N-95 are put on those units and
7 staff make rounds to make sure those staff have
8 what they need as far as PPE on a daily basis.

9 Q So I understand that CDC has not
10 required N-95 masks but is the MDC requiring that
11 staff on isolation and quarantine units wear
12 N-95?

13 A Yes, that is our expectation.

14 Q How is that expectation communicated
15 to staff?

16 A Well, staff has put out e-mail on a
17 different unit where they should be wearing N-95
18 masks or they can wear surgical masks. But our
19 captains and our emergency preparedness officers
20 they're MDC group walk around on all the housing
21 units the two include especially the isolation
22 and quarantine units on a daily basis to make
23 sure they have their N-95 mask available.

24 Q What happens if one of those people
25 makes their round and sees an officer on the

1 M. King
2 station. They can be it depends on what unit you
3 are going to. Some can be in officers station.
4 It may be some right there in the sally port in
5 the isolation unit right there it should be in
6 the sally port because i think the unit that we
7 are using is the K85 unit made for isolation so
8 they should be in the sally port.

9 Q Is it up to the officer in the
10 isolation unit which of these PPE they take?

11 A Can you repeat that.

12 Q Is it up to the individual officer to
13 decide whether or not face shield or an N-95 mask
14 or a gown before entering the isolation unit?

15 A That is the expectation that has been
16 put out to the staff. They know what PPE they
17 should be wearing when entering those housing
18 units. They should be wearing the PPE that is
19 made available to them.

20 Q Is that expectation communicated as a
21 requirement to staff?

22 A Right now, yes, the captain has made
23 that a requirement for his staff because the
24 officers are the ones who work the housing unit
25 and it's a requirement of the warden, it is a

1 M. King

2 next one is there a way that they can request a
3 new mask?

4 A Yes.

5 Q What about inmates?

6 A Inmates can too. If they come out of
7 their cells and we making rounds and they don't
8 have a mask and they say they don't have a mask
9 we make sure they have a mask.

10 However right now I have walk around
11 the institution talked to 1,700 plus inmates
12 individually. They know that they should be
13 wearing their mask when ever they come out of
14 their cell.

15 Q How do they request a new mask if they
16 need one?

17 A We have officers there. The officers
18 shouldn't be allowing them to come out of their
19 cells without masks as well so I am sure if an
20 officer see an inmate come out of their cell
21 without a mask he is going to question it because
22 he is going to tell them he can't come out of
23 their cell without a mask and at that time I am
24 hoping that the inmate will say well I don't have
25 a mask or I need a new mask.

1 M. King

2 where they do have PPE.

3 Q In terms of the isolation unit which
4 is I believe Unit 84 is that -- are there N-95
5 available wherever it is in the sally port before
6 entering the unit?

7 MR. CHO: Objection. Asked and
8 answered. Answer again.

9 A It could available this morning before
10 staff go in but once staff go in and get their
11 PPE it may not be available at that time.
12 However, any staff who go up there knows that
13 they should be wearing PPE and they know how to
14 request the PPE they need.

15 Q Is there a plan to fit test inmates
16 for N-95?

17 A I have not heard of one.

18 Q Are staff at MDC required to wear
19 gloves at all times?

20 A No, they are not required to wear
21 gloves at all times. However, they do wear
22 gloves. They have increased wearing gloves at
23 this time. It is a recommendation. However, some
24 staff choose to wash their hands and follow the
25 CDC guidelines, make sure they wash their hands

1 M. King

2 need to be wearing their mask.

3 Q Is it correct that inmates in these
4 dormitories continue to share a bathroom and
5 table and chairs with other inmates?

6 A Continue to share? They do shower.
7 They don't shower together. The tables from my
8 understanding they should be six feet apart. We
9 just recently went over there on Friday to make
10 sure that they know that they need to be
11 distancing themselves and right now we try to
12 have at least no more than two inmates at a table
13 at a time so that is what we are doing to try
14 maintain social distancing in the dormitories
15 room.

16 Q How far apart are the beds in the
17 dormitory rooms?

18 A About four feet maybe, I am not, about
19 four feet.

20 Q You said that inmates there have they
21 share showers, they have a shared shower or
22 individual showers?

23 A It is individual showers, no sharing.

24 Q Is it a shared bathroom?

25 A No, I don't think there is a shared

1 M. King

2 bathroom there.

3 Q Like a room with stalls?

4 A I am trying to picture it. I am pretty
5 sure there are stalls. There are stalls. There is
6 no sharing of restrooms. There should be stalls.

7 Q Has the MDC rearranged the bunk in the
8 dormitories so that inmates are sleeping head to
9 foot?

10 A Not to my knowledge, no.

11 Q So is it correct that in the
12 dormitories inmates continue to sleep about four
13 feet away from each other?

14 MR. CHO: Objection to the form.

15 A That is approximately, yes,
16 approximately. I am not sure of the exact
17 footage.

18 Q Is it correct that the isolation unit
19 in MDC west building also serves as a Special
20 Housing Unit or has some cells that are SHU
21 cells?

22 A Yes, there have been cases where we
23 have used K84 as Special Housing Unit.

24 Q Is the west building SHU full?

25 MR. CHO: Objection to the form.

1 M. King

2 A Not at this time. Not at this time.
3 But there have been cases where they have been
4 full.

5 Q Would you use K84 as a SHU if the
6 regular SHU is not full?

7 MR. CHO: Objection to the form.

8 A No, at this time we would try to the
9 use the east side. We have two SHU, one on the
10 east and one on the west.

11 Q Is the east building SHU full?

12 MR. CHO: Objection to the form.

13 A No, not to my knowledge. It was not
14 when I left Friday.

15 Q I just want to go back to one thing
16 you said about the dormitories in the east
17 building.

18 Did you say that on Friday the women
19 were given new instructions about how to social
20 distance?

21 A Yes, on Friday they went over to tell
22 them it could be no more than two at a table, to
23 make sure if they were not using social
24 distancing if they couldn't maintain a six feet
25 distance they need to be wearing their mask and

1 M. King

2 they made that clear to them, they reiterated
3 that on Friday, yes.

4 Q Have they been told that before?

5 A Yes, they were. They were told that
6 before but in some cases there have been time we
7 went over there they were not wearing their masks
8 and they were not using social distance
9 guidelines. Therefore, we told them that they
10 had could not come out to the tables until they
11 learned how to do the social distancing.

12 So Friday we went back to explain that
13 to them and followup to make sure that they know
14 that they cannot be out or if they can't maintain
15 a social distance of six feet then there will be
16 consequences because they have been told.

17 Q Prior to Friday were more than two
18 people allowed to use the table at a time?

19 A Prior to Friday, if I am not mistaken
20 and that is really not my unit, but they were I
21 was told that had been practicing the social
22 distancing where they were not using their mask
23 so that meant that they had to go behind the line
24 and that meant that they couldn't come to the
25 tables, they couldn't use the tables, because

1 M. King

2 they were not practicing social distancing.

3 Prior to that it could have been a
4 case where they were able to use the tables but I
5 am not sure when the last time they were all able
6 to use the tables.

7 Q Are the women in the dormitories
8 instructed to wear their masks at all times?

9 A They are instructed to wear their
10 masks when they cannot maintain social
11 distancing.

12 Q Did you say and they cannot maintain
13 or if they cannot maintain?

14 A If they cannot maintain social
15 distance they should be wearing their mask.

16 Q Are they required to wear their masks
17 while in their beds?

18 A No, we have not made them have to wear
19 their mask while they're in their bed. That is
20 the only place that they don't have to wear their
21 mask when they are sitting on their bed or in
22 their beds.

23 Q Even though they would be within six
24 feet of another inmate?

25 MR. CHO: Objection to the form.